

Exhibit “3”

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

FILIBERTO J. GARZA MORENO)

)

VS.) C.A. NO. 7-21-CV-247

)

ALLEGiant TRAVEL COMPANY,)

ALLEGiant AIR LLC, AND)

AIRPORT TERMINAL SERVICES)

INC.)

ORAL AND VIDEOTAPED DEPOSITION OF
DORA RODRIGUEZ
MAY 18, 2022

ORAL AND VIDEOTAPED DEPOSITION OF DORA RODRIGUEZ,
produced as a witness at the instance of the Plaintiff,
taken in the above-styled and numbered cause on
May 18, 2022, from 10:36 a.m. to 1:01 p.m., by Renee W.
Crouch, Certified Court Reporter No. 5645, in and for
the State of Texas, at the offices of Thornton,
Biechlin, Reynolds & Guerra, 418 East Dove Avenue,
McAllen, Texas, pursuant to the Federal Rules of Civil
Procedure and the provisions stated on the record or
attached therein.

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APPEARANCES

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(The reading of Federal Rule 30(b)(5)(A) into
the record was waived by all parties present.)

THE VIDEOGRAPHER: Today's date,
Wednesday, May the 18th, 2022. The time is 10:37 a.m.
Deposition of Dora Rodriguez. We're on the record.

Whereupon,

DORA RODRIGUEZ,
having been duly sworn, testified as follows:

EXAMINATION

BY MR. CISNEROS:

Q Good morning, ma'am.

A Good morning.

Q Will you state your name for the record.

A Dora Delia Rodriguez.

Q Okay. Are you married?

A No.

Q Okay. I can call you Ms. Rodriguez?

A Yes.

Q Okay. My name is Mike Cisneros. I'm with the
Cisneros Law Firm here in McAllen, and we represent
Filiberto Garza Moreno in a personal injury lawsuit that
he has brought against the Allegiant Travel Company,
Allegiant Air, LLC, and Airport Terminal Services,
Incorporated. Do you understand that?

A Yes, sir.

1 (Pages 1 to 4)

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<p>10:37 1 Q If I refer to Allegiant today, I'm referring to</p> <p>10:37 2 Allegiant Travel Company and Allegiant Air, LLC. Do you</p> <p>10:37 3 understand that?</p> <p>10:37 4 A Yes.</p> <p>10:37 5 Q Okay. So if I say Allegiant, you know who that</p> <p>10:37 6 means.</p> <p>10:37 7 A Uh-huh.</p> <p>10:37 8 Q And if I say ATS, that means Airport Terminal</p> <p>10:37 9 Services, Incorporated, okay.</p> <p>10:37 10 A Yes, sir.</p> <p>10:37 11 Q Okay. A little bit about you, ma'am. How old</p> <p>10:37 12 are you?</p> <p>10:37 13 A 52.</p> <p>10:37 14 Q Okay. You're about my age.</p> <p>10:37 15 Okay. What's the extent of your</p> <p>10:37 16 education, ma'am?</p> <p>10:37 17 A I have some college.</p> <p>10:38 18 Q Okay. How much?</p> <p>10:38 19 A Two years.</p> <p>10:38 20 Q Two years? Where did you go to college?</p> <p>10:38 21 A I went to STC and Pan Am -- was then.</p> <p>10:38 22 Q Good. STC is a good school, isn't it?</p> <p>10:38 23 A Yes, sir.</p> <p>10:38 24 Q Okay. Ma'am, you're not under the influence of</p> <p>10:38 25 any prescription drugs or illegal drugs or alcohol that</p>	<p>10:40 1 employees did ATS have working at the McAllen</p> <p>10:40 2 International Airport, if you know?</p> <p>10:40 3 A I don't know.</p> <p>10:40 4 Q Were there more than four?</p> <p>10:40 5 A I don't know. Yes, more than four.</p> <p>10:40 6 Q Okay. How many employees were performing the</p> <p>10:40 7 duties that you performed at McAllen International</p> <p>10:40 8 Airport, if you know?</p> <p>10:40 9 MR. SWAIM: Just for clarification</p> <p>10:40 10 purposes, at one time?</p> <p>10:40 11 MR. CISNEROS: Yeah. No. We're talking</p> <p>10:40 12 about during June of 2019.</p> <p>10:40 13 Q (BY MR. CISNEROS) So let me rephrase, ma'am.</p> <p>10:40 14 The incident happened, again -- you're</p> <p>10:40 15 aware that the incident made the basis of this lawsuit</p> <p>10:40 16 occurred in June of 2019, correct?</p> <p>10:40 17 A Correct.</p> <p>10:40 18 Q So in June, right, early June when this</p> <p>10:40 19 incident occurred, do you know how many employees for</p> <p>10:41 20 ATS were performing the same duties that you were</p> <p>10:41 21 performing at McAllen International Airport?</p> <p>10:41 22 A Can you be more specific as to airline,</p> <p>10:41 23 airport.</p> <p>10:41 24 Q Okay. We'll get to that. Let me go back a</p> <p>10:41 25 little bit. You are aware that the incident made the</p>
Page 6	Page 8
<p>10:38 1 might affect you being able to testify today, correct?</p> <p>10:38 2 A No, sir.</p> <p>10:38 3 Q Okay. Let's talk about your employment</p> <p>10:38 4 history. Since getting out of college -- or maybe you</p> <p>10:38 5 worked during college -- tell me where you've worked</p> <p>10:38 6 over the last, say, 20, 25 years.</p> <p>10:38 7 A I had a day care for 13 years. Worked at Texas</p> <p>10:38 8 Youth Commission. I was there for five years, five and</p> <p>10:38 9 a half. I worked for two attorneys, one immigration</p> <p>10:39 10 attorney and another attorney here in McAllen. And I'm</p> <p>10:39 11 going on five years with ATS.</p> <p>10:39 12 Q Okay. And so when did you begin working for</p> <p>10:39 13 ATS?</p> <p>10:39 14 A November, 2017.</p> <p>10:39 15 Q Okay. So if the incident made the basis of</p> <p>10:39 16 this lawsuit occurred in June of 2019, how long had you</p> <p>10:39 17 been working for ATS during that period of time?</p> <p>10:39 18 A About a year and a half, more or less.</p> <p>10:39 19 Q Okay. And up to the point of the incident,</p> <p>10:39 20 what type of job duties were you performing for ATS?</p> <p>10:39 21 A I'm a CSA, a customer service agent, so I</p> <p>10:39 22 assist checking in passengers, checking in bags. I also</p> <p>10:39 23 assist at the gate, boarding passengers, assisting with</p> <p>10:40 24 passengers boarding and needs that they have.</p> <p>10:40 25 Q Okay. During -- in June of 2019, how many</p>	<p>10:41 1 basis of this lawsuit occurred at the McAllen</p> <p>10:41 2 International Airport, right?</p> <p>10:41 3 A Yes, sir.</p> <p>10:41 4 Q And if it happened on June the 13th, 2019, you</p> <p>10:41 5 were working for ATS at the McAllen International</p> <p>10:41 6 Airport on that date, correct?</p> <p>10:41 7 A Yes, sir.</p> <p>10:41 8 Q Okay. And you've explained your duties, right,</p> <p>10:41 9 to us today, correct?</p> <p>10:41 10 A Correct.</p> <p>10:41 11 Q Meaning you've explained the duties that you</p> <p>10:41 12 were performing on that date, correct?</p> <p>10:41 13 A Correct.</p> <p>10:41 14 Q Okay. Were there any other employees</p> <p>10:41 15 performing those same duties and responsibilities on</p> <p>10:41 16 June the 13th, 2019 at the airport?</p> <p>10:41 17 A Yes.</p> <p>10:41 18 Q Who were they? Can you give me their names?</p> <p>10:42 19 A Can you be -- please be more specific as to</p> <p>10:42 20 what, because there's several functions for different</p> <p>10:42 21 people.</p> <p>10:42 22 Q Okay. Well, specifically the duties that you</p> <p>10:42 23 told us that you were responsible for.</p> <p>10:42 24 A There was four of us.</p> <p>10:42 25 Q Okay. There was the two gentlemen that helped</p>

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10:42 1 you with the plaintiff, correct, with Mr. Moreno? Tell
 10:42 2 me the four, ma'am.
 10:42 3 A So you're talking at the gate.
 10:42 4 Q ATS does -- performs a lot of services at the
 10:42 5 airport, correct?
 10:42 6 A Correct.
 10:42 7 Q And give me just a minute, ma'am.
 10:42 8 Do you know all the services that ATS
 10:43 9 provides -- does at the airport or was doing at that
 10:43 10 time?
 10:43 11 A It's a wide variety, sir.
 10:43 12 Q I know. Can you tell us what they are?
 10:43 13 A The agents? I can't understand what you're
 10:43 14 saying --
 10:43 15 Q Well --
 10:43 16 A -- what you're asking. I'm sorry.
 10:43 17 Q Yeah. ATS performs a lot of services at the
 10:43 18 airport, right?
 10:43 19 A Right.
 10:43 20 Q Okay. And you told us the limited duties and
 10:43 21 responsibilities that you did at that particular time,
 10:43 22 correct?
 10:43 23 A Yes, sir.
 10:43 24 Q That's what I'm interested in. Were there any
 10:43 25 other employees doing what you did; loading passengers

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10:44 1 A They're in charge mostly with bags, taking in
 10:44 2 bags, bringing -- marshaling the aircraft --
 10:45 3 THE REPORTER: I'm sorry?
 10:45 4 THE WITNESS: Marshaling the aircraft when
 10:45 5 walking. Just any duties below the wing.
 10:45 6 Q (BY MR. CISNEROS) Okay. How much were you
 10:45 7 getting paid in June of 2019, ma'am?
 10:45 8 A I believe it was 10.50.
 10:45 9 Q 10.50 an hour?
 10:45 10 A Yes, sir.
 10:45 11 Q How many hours would you work a week, ma'am?
 10:45 12 A It varies. Between 20 and 35.
 10:45 13 Q Okay. And would you ever work overtime?
 10:45 14 A I have worked overtime.
 10:45 15 Q Was it -- is it a common occurrence or common
 10:45 16 thing for you to work overtime?
 10:45 17 A No.
 10:45 18 Q Okay. So most of the time, you'd work 35 hours
 10:45 19 a week?
 10:46 20 A Between 20 and 35, yes.
 10:46 21 Q Okay. And were you ever provided with any
 10:46 22 bonuses or increases in pay for, you know, planes
 10:46 23 leaving on time or no accidents occurring on the
 10:46 24 airplane, anything of that nature?
 10:46 25 A We get an annual raise.

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10:43 1 seeing to their needs before boarding, things of that
 10:43 2 nature?
 10:43 3 MR. GUERRA: On that date.
 10:43 4 MR. CISNEROS: Yeah. Yeah. I already
 10:43 5 said that, on that date.
 10:43 6 MR. GUERRA: Yeah.
 10:43 7 Q (BY MR. CISNEROS) Yeah. It's not a trick
 10:43 8 question, ma'am. I'm not trying to ...
 10:43 9 A It was just me. At the gate it was just me.
 10:43 10 Q Okay. And so did you have -- you had a
 10:44 11 supervisor, did you not? Was there somebody --
 10:44 12 A I was the lead.
 10:44 13 Q Okay. And when the incident occurred, Aaron
 10:44 14 Garza was assisting you, correct? Excuse me. Not him.
 10:44 15 There were two individuals assisting you, Robert
 10:44 16 Castillo, and who else?
 10:44 17 A Robert Reyes.
 10:44 18 Q Okay. The two Roberts?
 10:44 19 A Uh-huh.
 10:44 20 Q Okay. And did they have the same
 10:44 21 responsibilities and duties as you or different?
 10:44 22 A They had different responsibilities.
 10:44 23 Q Do you know what they were?
 10:44 24 A They're ramp agents.
 10:44 25 Q Okay. What do ramp agents do?

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10:46 1 Q Very good. But the lack of accidents occurring
 10:46 2 did not have an effect on increases in pay, then,
 10:46 3 correct?
 10:46 4 A It's an annual raise, sir.
 10:46 5 Q Okay. Do you know how much money the -- these
 10:46 6 other individuals who were working, the Roberts?
 10:46 7 A No.
 10:46 8 Q You don't know?
 10:46 9 A (Nodding)
 10:46 10 Q Okay. Would you ever have any safety meetings
 10:46 11 that were either conducted by Allegiant or ATS?
 10:46 12 A We do.
 10:46 13 Q And are those -- do those occur regularly?
 10:46 14 A Yes, sir.
 10:47 15 Q How often do they occur?
 10:47 16 A Weekly.
 10:47 17 Q Okay. After this incident occurred, was there
 10:47 18 a safety meeting that took place after June the 19th,
 10:47 19 2019?
 10:47 20 A We have weekly meetings.
 10:47 21 Q Was there a meeting that took place
 10:47 22 specifically because this incident occurred?
 10:47 23 A Not necessarily.
 10:47 24 Q Okay. What day of the week would the meetings
 10:47 25 occur?

3 (Pages 9 to 12)

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11:00 1 names, correct? Let me rephrase.
 11:01 2 I told you that there were Allegiant
 11:01 3 Airline policies and procedures, correct?
 11:01 4 A Correct.
 11:01 5 Q And I gave you the titles -- or we talked --
 11:01 6 we -- you described those for me, correct? We talked
 11:01 7 about the module.
 11:01 8 A The module, yes.
 11:01 9 Q And then we talked about the 14 CFR Part 382
 11:01 10 and the ACAA, that -- those laws are not -- pertain to
 11:01 11 the nondiscrimination of passengers with disabilities,
 11:01 12 correct?
 11:01 13 A Correct.
 11:01 14 Q After you were hired five years ago, were you
 11:01 15 given an opportunity to review these, to go through the
 11:01 16 module and then review the policies and procedures
 11:01 17 pertaining to passengers with disabilities?
 11:01 18 MR. GUERRA: On the Allegiant policies.
 11:01 19 MR. CISNEROS: Yes, sir, in the binder.
 11:01 20 A Yes, sir.
 11:01 21 Q (BY MR. CISNEROS) Okay. Do you know how soon
 11:01 22 after you were employed did you have an opportunity to
 11:01 23 review those?
 11:01 24 A Immediately.
 11:01 25 Q Okay. And did you also a few weeks ago or a

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11:02 1 ATS became aware that Mr. Moreno had a physical
 11:03 2 disability and he was going to need assistance with
 11:03 3 boarding the plane?
 11:03 4 A Can you repeat that.
 11:03 5 Q Yes, ma'am. At what -- if Mr. Moreno purchases
 11:03 6 his ticket online, okay, and there was some kind of a
 11:03 7 box or indication there that he checked that --
 11:03 8 notifying Allegiant that he was going to -- he was
 11:03 9 disabled and going to need assistance boarding the
 11:03 10 plane, how does ATS or you become aware that that is the
 11:03 11 case with regard to him?
 11:03 12 A They put -- or they check off the SSR box.
 11:03 13 Q Okay. And who checks that off?
 11:03 14 A The passenger.
 11:03 15 Q Okay. So -- but that's through Allegiant's
 11:03 16 website. Say in this situation, how would you, as an
 11:03 17 employee for ATS, become aware of that?
 11:03 18 A When we see them coming in, we review the
 11:03 19 manifest.
 11:03 20 Q Okay. So upon reviewing the manifest way
 11:04 21 before he even gets to the airport, ATS would have known
 11:04 22 that he was going to need assistance, correct?
 11:04 23 Let me go back a little bit, ma'am. Do
 11:04 24 you know when the manifest was reviewed by someone
 11:04 25 working for ATS on June the 19th of 2019 or before?

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11:02 1 week ago have an opportunity to go through the module
 11:02 2 and review the law pertaining to passengers with
 11:02 3 disabilities?
 11:02 4 A Yes, sir.
 11:02 5 Q Okay. And even though you reviewed them,
 11:02 6 though, you're not an expert on these policies and
 11:02 7 procedures, correct?
 11:02 8 A I'm not an expert.
 11:02 9 Q Or are you?
 11:02 10 A No.
 11:02 11 Q But are you pretty familiar with them?
 11:02 12 A Yes, sir.
 11:02 13 Q Are you familiar with them as they pertain to
 11:02 14 loading a passenger onto a seat on the airplane who has
 11:02 15 a disability?
 11:02 16 A Am I familiar?
 11:02 17 Q Yeah. Generally familiar.
 11:02 18 A Yes, sir.
 11:02 19 Q Okay. But you're not here testifying as an
 11:02 20 expert with regard to these policies and procedures,
 11:02 21 correct?
 11:02 22 A Correct.
 11:02 23 Q But you generally understand them, correct?
 11:02 24 A Yes, sir.
 11:02 25 Q Okay. Do you know how it was that you and/or

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11:04 1 MR. GUERRA: I think you said June 13th of
 11:04 2 2019.
 11:04 3 MR. CISNEROS: Yeah, June the 13th. I'm
 11:04 4 sorry.
 11:04 5 MR. SWAIM: Objection, form.
 11:04 6 Q (BY MR. CISNEROS) Let me rephrase the
 11:04 7 question, ma'am. I want to make sure. I get June 3 and
 11:04 8 June 13 confused. She was telling me June 3 yesterday.
 11:04 9 Yeah, June the 13th. So he was scheduled
 11:04 10 to fly out June the 13th --
 11:04 11 A Yes, sir.
 11:04 12 Q -- of 2019.
 11:04 13 Do you know when anybody for ATS became
 11:04 14 aware that he was going to need assistance boarding the
 11:04 15 plane due to a disability that he had?
 11:04 16 MR. SWAIM: Objection, form.
 11:04 17 A We usually review manifest 24 hours before.
 11:05 18 Q (BY MR. CISNEROS) Okay. So no one would have
 11:05 19 had to have told you that he needed assistance, because
 11:05 20 it's policy and procedure for you and/or employees of
 11:05 21 ATS to review the manifest 24 hours before.
 11:05 22 A Correct.
 11:05 23 Q Okay. You work at -- ATS works -- set up at --
 11:05 24 let me rephrase that.
 11:05 25 ATS performs services for airlines at the

7 (Pages 25 to 28)

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11:05 1 McAllen International Airport, correct?
 11:05 2 A Correct.
 11:05 3 Q And we've already established that's where this
 11:05 4 incident occurred, correct?
 11:05 5 A Correct.
 11:05 6 Q But ATS provides services not only for
 11:05 7 Allegiant but other airlines. Is that also correct?
 11:05 8 A Correct.
 11:05 9 Q Okay. And there are a lot of services that ATS
 11:05 10 provides those airlines, correct?
 11:06 11 A Can you elaborate, please.
 11:06 12 Q Yeah, sure, ma'am. Give me just a minute.
 11:06 13 MR. GUERRA: Do you have her mic mixed so
 11:06 14 that her low voice is loud enough on the recording?
 11:06 15 Okay.
 11:06 16 Q (BY MR. CISNEROS) Is it true or not true that
 11:06 17 some of the services that ATS provides Allegiant and
 11:07 18 other airlines at the McAllen International Airport are
 11:07 19 liaison with local authorities, administrative
 11:07 20 functions, passenger services, arrange for special
 11:07 21 equipment, facilities, specially trained personnel for
 11:07 22 assistance for disabled passengers, handle lost and
 11:07 23 found issues, report to the carrier irregularities,
 11:07 24 matters concerning departure, baggage, check-in,
 11:07 25 arrival, handling bags, things of that nature?

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11:07 1 A Yes, sir.
 11:07 2 Q Okay. There are a lot of duties and
 11:07 3 responsibilities and services -- let me rephrase that.
 11:07 4 There are a lot of services that ATS
 11:08 5 provides these airlines, including Allegiant; is that
 11:08 6 correct?
 11:08 7 A Can you repeat that.
 11:08 8 Q Yeah. It's just not loading passengers on the
 11:08 9 plane that ATS does, correct?
 11:08 10 A Correct.
 11:08 11 Q I mean, there are a lot of other things that
 11:08 12 ATS does for Allegiant and other airlines at the
 11:08 13 airport, correct?
 11:08 14 A That's correct.
 11:08 15 Q And so I know that you mentioned that you and
 11:08 16 the Roberts -- employees named Robert that we were
 11:08 17 talking about earlier -- you know, were assisting you
 11:08 18 with boarding Mr. Moreno. But there's many other
 11:08 19 employees that work at the airport, correct?
 11:08 20 A Correct.
 11:08 21 Q Just not you three, right?
 11:08 22 A Correct.
 11:08 23 Q Okay. And you still -- the name of your
 11:08 24 supervisor -- you don't know who that is? Is there a
 11:08 25 head lady at the airport in charge?

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11:08 1 A Yes.
 11:08 2 Q What is her name?
 11:08 3 A Irma Hernandez.
 11:08 4 Q Was Irma at the airport at the time that the
 11:08 5 incident occurred?
 11:08 6 A No, sir.
 11:08 7 Q Okay. The incident happened in the evening,
 11:09 8 correct?
 11:09 9 A That's correct.
 11:09 10 Q Okay. Okay. So let's back up a little bit.
 11:09 11 Let me see here. Do you know what time the flight
 11:09 12 coming in from Las Vegas was scheduled to arrive at the
 11:09 13 airport that evening?
 11:09 14 A No, sir.
 11:09 15 Q Okay. Let me hand you what's been marked as
 11:09 16 Exhibit 1 for your deposition. And this document is
 11:09 17 entitled Ops Worksheet.
 11:10 18 MR. SWAIM: Exhibit 1?
 11:10 19 MR. CISNEROS: Yes, sir.
 11:10 20 MR. SWAIM: Thank you.
 11:10 21 MR. CISNEROS: Uh-huh.
 11:10 22 Q (BY MR. CISNEROS) Do you remember --
 11:10 23 MR. GUERRA: Hold on. David, it's Bates
 11:10 24 No. 003 -- ATS 003.
 11:10 25 MR. JOHNSON: Okay. Thanks.

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11:10 1 Q (BY MR. CISNEROS) Do you know, ma'am, if the
 11:10 2 flight coming in from Las Vegas was a full flight? Or
 11:10 3 do you --
 11:10 4 A I don't recall, sir.
 11:10 5 Q Okay. Yeah. What is an Ops Worksheet, ma'am?
 11:10 6 A It's Operations Worksheet.
 11:10 7 Q Okay. And who fills out this worksheet?
 11:10 8 A The gate agent.
 11:10 9 Q Okay. Have you ever seen this worksheet
 11:10 10 before?
 11:10 11 A Yes, sir.
 11:10 12 Q Okay. Do you know what time the flight leaving
 11:10 13 to Las Vegas was scheduled to depart?
 11:11 14 A I don't recall the exact time.
 11:11 15 Q You don't. Okay. Well, if you look here at
 11:11 16 the -- this document, ma'am, the flight coming -- is it
 11:11 17 true, ma'am, that at that particular time, the flight
 11:11 18 coming in from Las Vegas arrives in McAllen and then
 11:11 19 deplanes, and then boarding occurs and then the plane
 11:11 20 goes back to Las Vegas; is that correct?
 11:11 21 A Yes, sir.
 11:11 22 Q Okay. And so the ETA, as noted on this
 11:11 23 document here -- estimated time of arrival -- for the
 11:11 24 flight coming in from Las Vegas was 8:27; is that
 11:11 25 correct?

8 (Pages 29 to 32)

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11:37 1 Q Okay. In this case when you transferred
 11:37 2 Mr. Moreno, okay, from an aisle wheelchair to a seat on
 11:37 3 the airplane, that process was not used, correct?
 11:37 4 A That's correct.
 11:37 5 Q And that was a violation of the policies and
 11:37 6 procedures set out by Allegiant and ATS, correct?
 11:37 7 MR. GUERRA: Objection, form.
 11:37 8 A Not necessarily.
 11:37 9 Q (BY MR. CISNEROS) Is it -- what do you call it
 11:37 10 again? You or the other ATS employees, you didn't grab
 11:37 11 Mr. Moreno under the armpits and under the legs,
 11:37 12 correct?
 11:37 13 A Correct.
 11:37 14 Q Okay. So if that's set out in the policies,
 11:37 15 okay, the policies were violated, were they not?
 11:37 16 MR. GUERRA: Objection, form.
 11:37 17 A Not necessarily, sir.
 11:37 18 Q (BY MR. CISNEROS) Why do you say that?
 11:38 19 A That's when -- that's why we ask the passengers
 11:38 20 how may we best assist them. If they refuse our
 11:38 21 assistance, then we listen to them because we're not
 11:38 22 going to -- we're not going to touch them if they refuse
 11:38 23 that.
 11:38 24 Q Ma'am, Mr. Moreno didn't work for ATS, correct?
 11:38 25 A No, he didn't.

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11:38 1 Q He didn't work for Allegiant, correct?
 11:38 2 A Correct.
 11:38 3 Q He was simply a disabled, incapacitated
 11:38 4 passenger that wanted to fly an Allegiant flight, okay,
 11:38 5 to Vegas, correct?
 11:38 6 A That's correct.
 11:38 7 Q And he was a paying customer, was he not?
 11:38 8 A Yes, sir.
 11:38 9 Q Okay. And you're telling me that it was his
 11:38 10 fault, then, okay, if he requested something different
 11:38 11 than as was required by the policies and procedures with
 11:38 12 regard to how to transfer him from an aisle wheelchair
 11:38 13 to a seat on the airplane.
 11:38 14 MR. GUERRA: Objection, form.
 11:38 15 Don't answer that question.
 11:38 16 Q (BY MR. CISNEROS) Okay. Well, either way,
 11:38 17 ma'am, this process of lifting him, okay, under the
 11:38 18 armpits and under the legs was not used, correct?
 11:39 19 A Correct.
 11:39 20 Q All right. What happens -- what occurs, ma'am,
 11:39 21 if a passenger who's disabled weighs 220 pounds, okay?
 11:39 22 A Then we have a four-on-one.
 11:39 23 Q Four-on-one. What is a four-on-one?
 11:39 24 A It's similar to the two-on-one, only that
 11:39 25 there's one person on each arm and one person on each

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11:39 1 leg.
 11:39 2 Q And the four-on-one was not used either,
 11:39 3 correct?
 11:39 4 A That's correct.
 11:39 5 Q But the four-on-one is not described in the
 11:39 6 policies and procedures, is it?
 11:39 7 MR. GUERRA: Objection, form.
 11:39 8 A Yes. Yes, it is.
 11:39 9 Q (BY MR. CISNEROS) I went through them last
 11:39 10 night, ma'am. Are you sure -- without having to go
 11:39 11 through them, you want to make sure -- can you tell me
 11:39 12 now whether the four-on-one is in the policies and
 11:39 13 procedures?
 11:39 14 MR. GUERRA: Objection, form; objection,
 11:39 15 sidebar.
 11:39 16 Q (BY MR. CISNEROS) So we won't waste time.
 11:39 17 I've never come across the four-on-one. I've come
 11:40 18 across the two-on-none.
 11:40 19 A Okay.
 11:40 20 Q So do you know whether or not there is a
 11:40 21 four-on-one process or procedure as set out by the
 11:40 22 policies and procedures of ATS and Allegiant?
 11:40 23 A I don't know.
 11:40 24 Q Okay. It's important, again, ma'am, to talk to
 11:40 25 a disabled individual before you get them on the plane,

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11:40 1 right?
 11:40 2 A Yes, sir.
 11:40 3 Q Okay. And it is true that the -- that
 11:40 4 Mr. Moreno and the family wanted you to use his portable
 11:40 5 lift and transfer hoist, correct?
 11:40 6 A That's correct.
 11:40 7 Q And it was not -- it was not used, correct?
 11:40 8 A Not in the aircraft, no.
 11:40 9 Q No. In fact, the ATS employees didn't even try
 11:41 10 to use that device, did they?
 11:41 11 A We never touched it.
 11:41 12 Q No. And there wasn't one available on the
 11:41 13 plane either, correct?
 11:41 14 A Correct.
 11:41 15 Q There wasn't one available at the airport
 11:41 16 either, correct?
 11:41 17 A That's correct.
 11:41 18 Q Did Allegiant ever provide you with a lift and
 11:41 19 transfer hoist to use?
 11:41 20 MR. SWAIM: Object -- objection, form.
 11:41 21 A No.
 11:41 22 Q (BY MR. CISNEROS) Who provided you with the
 11:41 23 equipment that was necessary to transfer disabled and
 11:41 24 incapacitated people from an aisle wheelchair to a seat
 11:41 25 on the airplane?

15 (Pages 57 to 60)

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11:41 1 MR. SWAIM: Objection, form.
 11:41 2 A Are we just talking about Mr. Moreno?
 11:41 3 Q No. In general.
 11:41 4 MR. SWAIM: Same objection.
 11:41 5 A The equipment, we have it at the airport.
 11:41 6 It's -- which is the aisle chair.
 11:41 7 Q (BY MR. CISNEROS) Okay. And who provided you
 11:41 8 with the aisle chair?
 11:42 9 A ATS.
 11:42 10 Q Okay. Did any of the seats on the airplane
 11:42 11 where -- in which the incident occurred have any
 11:42 12 armrests that moved up and down?
 11:42 13 A Can you repeat, please.
 11:42 14 Q Did any of the seats on the airplane in
 11:42 15 which -- or on which the incident occurred have any
 11:42 16 armrests that moved up and down, that were adjustable?
 11:42 17 A The aircraft has moveable armrests, yes.
 11:42 18 Q Okay. Where do those seats begin?
 11:42 19 A The second row, usually.
 11:42 20 Q The second row?
 11:42 21 A (Nodding)
 11:42 22 Q Okay. If Mr. Moreno's seat was in 3D, where
 11:43 23 was that seat positioned on the plane?
 11:43 24 A It was the first row.
 11:43 25 Q And did that seat have armrests that were

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11:44 1 Q Are you aware that the policies and procedures
 11:44 2 state that an individual like Mr. Moreno is not to be
 11:44 3 placed in a seat with stationary arms?
 11:44 4 MR. GUERRA: Objection, form.
 11:44 5 A Not necessarily.
 11:44 6 Q You're not aware of that?
 11:44 7 MR. SWAIM: Objection, form.
 11:44 8 Q (BY MR. CISNEROS) At any time that he was
 11:44 9 being transferred to a seat on the airplane, was any
 11:44 10 assistance provided to you by any of the Allegiant
 11:44 11 employees who were on the airplane?
 11:44 12 A No.
 11:44 13 Q Okay. Let's talk about the incident, ma'am.
 11:44 14 Mr. Moreno and his brother testified that he -- that
 11:45 15 either they were required that -- well, let me rephrase
 11:45 16 the question.
 11:45 17 Testified -- Mr. Moreno and his brother
 11:45 18 testified that two employees of ATS and his father and
 11:45 19 his brother were the ones that transferred him from the
 11:45 20 aisle wheelchair to a seat on the airplane. Is that
 11:45 21 true or untrue?
 11:45 22 A Can you repeat.
 11:45 23 Q Yeah. Who was involved in transferring
 11:45 24 Mr. Moreno from the aisle wheelchair to a seat on the
 11:45 25 airplane?

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11:43 1 stationary, meaning did not move, or were they
 11:43 2 adjustable?
 11:43 3 A They were stationary.
 11:43 4 Q And were they -- what were they made of?
 11:43 5 A I don't know the material, what the --
 11:43 6 Q Were they --
 11:43 7 THE REPORTER: I'm sorry. "I don't
 11:43 8 know" ...
 11:43 9 THE WITNESS: I don't know the material.
 11:43 10 Q (BY MR. CISNEROS) Were they made of metal?
 11:43 11 A Yes, I think.
 11:43 12 Q Okay. So they were made of metal, and they
 11:43 13 were stationary and did not move, correct?
 11:43 14 A Correct.
 11:43 15 Q And that was the seat that you and the other
 11:43 16 ATS employees were going to transfer him into from the
 11:43 17 aisle wheelchair, correct?
 11:43 18 MR. SWAIM: Objection, form.
 11:43 19 A That was the decision his brother made.
 11:43 20 Q Oh, so it's the brother's fault.
 11:43 21 MR. GUERRA: Objection, form.
 11:43 22 Q (BY MR. CISNEROS) Did he work for ATS or
 11:44 23 Allegiant?
 11:44 24 A No, sir, but the brother was very much in
 11:44 25 charge of the transition.

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11:45 1 A It was his brother, another gentleman, and
 11:45 2 Robert Castillo and Robert Reyes.
 11:45 3 Q Were you involved in transferring him as well,
 11:45 4 or no?
 11:45 5 A No, sir.
 11:45 6 Q You were not involved?
 11:45 7 A No.
 11:45 8 Q Okay. Were you present from the time that
 11:45 9 Mr. Moreno got to the doorway of the plane to the time
 11:46 10 that the incident happened?
 11:46 11 A Yes, sir.
 11:46 12 Q Do you know why -- well, let me ask you this:
 11:46 13 He -- a -- the sling of his lift was used to transfer
 11:46 14 him from the aisle wheelchair to a seat on the airplane,
 11:46 15 correct?
 11:46 16 A That's correct.
 11:46 17 Q Okay. And he got to the airport in his lift,
 11:46 18 did he not?
 11:46 19 MR. SWAIM: Objection, form.
 11:46 20 Q (BY MR. CISNEROS) Or was he in a wheelchair?
 11:46 21 A He was in a wheelchair.
 11:46 22 Q Okay. The sling was under the -- was -- he was
 11:46 23 sitting on the sling in the wheelchair when he got to
 11:46 24 the doorway leading into the airplane, correct, or of
 11:46 25 the airplane?

16 (Pages 61 to 64)

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12:59 1 there, ma'am, then?

12:59 2 A Yes, sir.

12:59 3 Q I mean, these people don't have any experience

12:59 4 loading pass -- do you know whether or not these people

12:59 5 had any prior experience on loading their brother on a

01:00 6 plane using a sling?

01:00 7 A I have to go based on what his brother said.

01:00 8 His brother said that he did that all the time.

01:00 9 Q Okay, ma'am. So whatever happened on the plane

01:00 10 that day is the brother, again? Is it the brother's --

01:00 11 you know, are you putting the responsibility on the

01:00 12 brother or what?

01:00 13 A I'm not saying that.

01:00 14 Q You're not?

01:00 15 A No.

01:00 16 Q If one of the ATS employees would have let go

01:00 17 of the sling at the time of the incident, that wouldn't

01:00 18 have been the cause of him falling?

01:00 19 MR. GUERRA: Objection, form. Assumes

01:00 20 fact not in evidence.

01:00 21 Don't answer that question.

01:00 22 Q (BY MR. CISNEROS) Well, Mr. Moreno's brother

01:00 23 testified that one of the employees, you know, let go of

01:00 24 the sling, and then he fell. Do you agree or disagree

01:00 25 with that?

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1 CHANGES AND SIGNATURE

2 WITNESS: DORA RODRIGUEZ DATE: MAY 18, 2022

3 PAGE LINE CHANGE REASON

4 _____

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01:00 1 A I disagree.

01:00 2 Q Okay.

01:00 3 MR. GUERRA: Okay. It's 1 o'clock, Mike.

01:00 4 We've got to stop. If you want, we'll provide her for a

01:00 5 subsequent --

01:00 6 MR. CISNEROS: Yeah, yeah.

01:00 7 MR. GUERRA: -- deposition then.

01:00 8 MR. CISNEROS: That's fine. That's fine.

01:00 9 MR. GUERRA: Okay. You can go, Dora.

01:01 10 THE VIDEOGRAPHER: Going off the record.

01:01 11 The time is 1:01 p.m.

01:01 12 (Proceedings recessed)

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2

3 I, DORA RODRIGUEZ, have read the foregoing

4 transcript and hereby affix my signature that same is

5 true and correct, except as noted above.

6 _____

7 DORA RODRIGUEZ

8

9

10 THE STATE OF _____)

11 COUNTY OF _____)

12

13 Before me, _____, on this day

14 personally appeared DORA RODRIGUEZ, known to me (or

15 proved to me under oath or through _____)

16 (description of identity card or other document) to be

17 the person whose name is subscribed to the foregoing

18 instrument and acknowledged to me that they executed the

19 same for the purposes and consideration therein

20 expressed.

21

22 Given under my hand and seal of office this _____

23 day of _____, _____.

24

25 _____

Notary Public in and for
The State of Texas

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1 UNITED STATES DISTRICT COURT
 2 SOUTHERN DISTRICT OF TEXAS
 3 McALLEN DIVISION
 4 FILIBERTO J. GARZA MORENO)
 5)
 6 VS.) C.A. NO. 7-21-CV-247
 7)
 8 ALLEGiant TRAVEL COMPANY,)
 9 ALLEGiant AIR LLC, AND)
 10 AIRPORT TERMINAL SERVICES)
 11 INC.)

REPORTER'S CERTIFICATION

12 I, RENEE W. CROUCH, Certified Shorthand
 13 Reporter, CSR No. 5645, in and for the State of Texas,
 14 certify that the witness, DORA RODRIGUEZ, was duly sworn
 15 by me, and that the deposition transcript is a true and
 16 correct record of the testimony given by the witness on
 17 MAY 18, 2022; that the deposition was reported by me in
 18 stenograph and was subsequently transcribed by me or
 19 under my supervision.

20 Pursuant to Rule 30(e)(2), a review of the
 21 transcript was requested.

22 I FURTHER CERTIFY that I am not a relative,
 23 employee, attorney or counsel of any of the parties, nor
 24 a relative or employee of such attorney or counsel, nor
 25 am I financially interested in the action.

WITNESS MY HAND on this the _____ day of _____, 2022.

Renee W. Crouch

Renee W. Crouch
 Texas CSR 5645
 Expiration: 1/31/2024
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